

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendment and the discussion below.

Applicant's invention concerns a remote control device for a motor vehicle having a transmitter and an identification device in one module. The identification device records characteristics of a user and transmits the recorded information to the vehicle to perform a verification check of the user and subsequently transmits information about a new user who can also be authorized. This feature is discussed at page 4 of the originally filed specification.

Claims 6-10 and 13-14 have been rejected under 35 U.S.C. 102 as anticipated by the reference to Flick U.S. Patent No. 6,140,939, as detailed on pages 3 and 4 of the patent Office Action. Additionally, claim 12 is rejected under 35 U.S.C. 103 as unpatentable over Flick in view of Gormley U.S. Patent No. 5,513,107, as indicated at page 5 of the patent Office Action.

Applicants submit that the presently claimed invention, as defined by amended claim 6, sets forth structural features not shown or disclosed or made obvious by the references of record or their obvious combination.

The reference to Flick U.S. Patent No. 6,140,939 concerns a vehicle control system using biometric characteristics for verification. A controller performs biometric characteristics verification wherein verification occurs when the controller has recently entered into a biometric characteristic learning mode. The

characteristic verification has a number of learned individuals and any change in that number or a change in the learned biometric characteristic is detected.

The purpose of Flick is to reduce the risk of an unauthorized individual controlling the function even when unauthorized individual biometric characteristics have been learned. Therefore the purpose is to improve security systems where unauthorized learning of a uniquely coded transponder has taken place. The reference to Flick, alerts a user of a potentially unauthorized individual who is capable of using the vehicles function.

In contrast to the reference to Flick, the presently claimed invention, defined by independent claim 6, provides a system for adding new authorized users. Information about a new user can be entered only after information concerning an already authorized person is first transmitted. In other words, according to the present invention, when a authorized user makes a transmission, within a certain period of time after that transmission, certain data concerning another user (new user) can then be transmitted and the new user will also be considered in the future as an authorized user. Therefore, a new user cannot be authorized until a previously authorized user has transmitted his identification information.

The reference to Flick has no structure whereby a new user can be authorized following the transmission of information about a previously authorized user in the manner claimed in independent claim 6.

The secondary reference to Gormley has been cited for teaching authorization of a new user being restricted. However, Gormley does not contain an indication concerning the authorization of a new user after the transmission of information about the previous authorized user. More particularly, there is no information about transmission of information about a new user subsequent to transformation about the authorized user in order to obtain authorization.

Claims 6, 11 and 12 were objected to with respect to the informalities indicated on page 2 of the Office Action. In response to this rejection Applicants have made the appropriate change to claim 6 and in light of the amendment to claim 6 claim 12 now has an antecedent basis for the "new user". Claim 11 has been cancelled.

Therefore, in view of the distinguishing features between the claimed invention and the references which features are specifically set forth in amended independent claim 6 and which are not available from the references or any obvious combination, Applicants respectfully request that this application containing claims 6-8, 12 and 15 be allowed and be passed to issue.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #080437.49356).

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Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jeffrey D. Sanok", with a date "09/24/03" written below it.

Jeffrey D. Sanok
Registration No. 32,169

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

JDS:adb